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10/062,328	01/31/2002	Kulvir Singh Bhogal	AUS920010652US1	3988

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EXAMINER

NGUYEN, THANH T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/062,328
Filing Date: January 31, 2002
Appellant(s): BHOGAL ET AL.

Frank C. Nicholas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 21, 2006 appealing from the Office action mailed February 24, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Joseph et al.

(USPN 6,628,615 - Date of Patent: September 30, 2003, herein referred to as

"Joseph").

5. As to claim 1, Joseph teaches the invention as claimed, including a method for

splitting a bandwidth among a plurality of network transactions, said method

comprising: displaying a communication requesting a priority of a network

transaction (see col.7, lines 1-20); and receiving an input indicating the priority of the

network transaction (see col.7, lines 21-33).

6. As to claim 2, Joseph teaches the invention as claimed, further comprising: monitoring a port

address for an initiation of the network transaction (see col.6, lines 10-22, and col.8, lines 1-26).

7. As to claim 3, Joseph teaches the invention as claimed, further comprising: detecting an

initiation of the network transaction, wherein the communication is displayed subsequent to a detection of the initiation of the network transaction (see col. 5, lines 66 to col.6, lines 23).

8. As to claim 4, Joseph teaches the invention as claimed, further comprising: creating a thread for controlling a processing of the network transaction in response to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).

9. As to claim 5, Joseph teaches the invention as claimed, further comprising: generating a priority schedule based upon the priority corresponding to the network transaction as indicated by the input (see col.7, lines 1-33). 10. As to claim 6, Joseph teaches the invention as claimed, further comprising: executing the thread to control the processing of the network transaction in accordance with the priority schedule (see col.7, lines 13 -33).

11. As to claim 7, Joseph teaches the invention as claimed, including a system for splitting a bandwidth among a plurality of network transactions, said system comprising: means for displaying a communication requesting a priority of a network transaction (see col.7, lines1-20); and means for receiving an input indicating the priority of the network transaction (see col.7, lines.21-33).

12. As to claim 8, Joseph teaches the invention as claimed, further comprising: means for monitoring a port address for an initiation of the network transaction (see col.6, lines 10-22, and col. 8, lines 1-26).

13. As to claim 9, Joseph teaches the invention as claimed, further comprising: means for detecting an initiation of the network transaction, wherein the communication is displayed subsequent to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).

14. As to claim 10, Joseph teaches the invention as claimed, further comprising: means for creating a thread for controlling a processing of the network transaction in response to a detection of the initiation of the network transaction (see col. 5, lines 66 to col.6, lines 23).

15. As to claim 11, Joseph teaches the invention as claimed, further comprising: means for generating a priority schedule based upon the priority corresponding to the network transaction as indicated by the input (see col.7, lines 1-33).

16. As to claim 12, Joseph teaches the invention as claimed, further comprising: means for executing the thread to control the processing of the network transaction in accordance with the priority schedule (see col.7, lines 13 -33).

17.As to claim 13, Joseph teaches the invention as claimed, including a computer program product in a computer readable medium for splitting a bandwidth among a plurality of network transactions, said computer program product comprising: computer readable code for displaying a communication requesting a priority of a network transaction (see col.7, lines1-20); and computer readable code for receiving an input indicating the priority of the network transaction (see col.7, lines 21-33).

18. As to claim 14, Joseph teaches the invention as claimed, further comprising: computer readable code for monitoring a port address for an initiation of the network transaction (see col.6, lines 10-22, and col.8, lines 1-26).

19. As to claim 15, Joseph teaches the invention as claimed, further comprising: computer readable code for detecting an initiation of the network transaction, wherein the communication is displayed subsequent to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).

20. As to claim 16, Joseph teaches the invention as claimed, further comprising: computer readable code for creating a thread for controlling a processing of the network transaction in response to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).

21. As to claim 17, Joseph teaches the invention as claimed, further comprising: computer readable code for generating a priority schedule based upon the priority corresponding to the network transaction as indicated by the input (see col.7, lines 1- 33).

22. As to claim 18, Joseph teaches the invention as claimed, further comprising: computer readable code for executing the thread to control the processing of the network transaction in accordance with the priority schedule (see col.7, lines 13 -33).

(10) Response to Argument

Appellant argues that Joseph fails to teach “displaying a communication requesting a priority of a network transaction”.

Examiner respectfully disagrees. Joseph teaches displaying a communication requesting a priority of a network transaction as shown in col.7, lines 1-20.

Appellant argues that Joseph does not teach “monitoring a port address for an initiation of the network transaction”.

Examiner respectfully disagrees. Joseph teaches monitoring a port address for an initiation of the network transaction as shown in col.6, lines 10-22, and col.8, lines 1-26.

Appellant argues that Joseph does not teach “the communication is displayed subsequent to a detection of the initiation of the network transaction”.

Examiner respectfully disagrees. Joseph teaches the communication is displayed subsequent to a detection of the initiation of the network transaction as shown in col.5, line 66 to col.6, line 23.

Appellant argues that Joseph does not teach “creating a thread for controlling a processing of the network transaction in response to a detection of the initiation of the network transaction”.

Examiner respectfully disagrees. Joseph teaches creating a thread for controlling a processing of the network transaction in response to a detection of the initiation of the network transaction as shown in col.5, line 66 to col.6, line 23.

Appellant argues that Joseph does not teach “generating a priority schedule based upon the priority corresponding to the network transaction as indicated by the input”.

Examiner respectfully disagrees. Joseph teaches as shown in generating a priority schedule based upon the priority corresponding to the network transaction as indicated by the input col.7, lines 1-33.

Appellant argues that Joseph does not teach “executing the thread to control the processing of the network transaction in accordance with the priority schedule”.

Examiner respectfully disagrees. Joseph teaches executing the thread to control the processing of the network transaction in accordance with the priority schedule as shown in col.7, lines 13-33.

(11) Related Proceeding(s) Appendix

Art Unit: 2100

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/T. N./

Thanh Tammy Nguyen

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